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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,251	09/15/2003	Fung-jou Chen	KCC-14,105.4	2418
7590 10/17/2007				
Pauley Petersen & Erickson Suite 365 2800 West Higgins Road Hoffman Estates, IL 60195				
			EXAMINER	
			CHAPMAN, GINGER T	
			ART UNIT	PAPER NUMBER
			3761	
			MAIL DATE	DELIVERY MODE
			10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/662,251

Applicant(s)

CHEN ET AL.

Examiner

Ginger T. Chapman

Art Unit

3761

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 10, 14 and 38.
Claim(s) objected to: _____.
Claim(s) rejected: 1-9, 11-13, 15-37 and 39.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the core of Sherrod does not comprise an outer absorbent member with an inner absorbent member in it's center, and a wicking barrier disposed therebetween. This argument is not persuasive because the prior art Sherrod teaches all of the claimed components performing the substantially identical functions in the substantially identical manner except for the only difference is the configuration of the prior art components arranged in different locations. The prior art teaches the two absorbent members located side by side with the wicking barrier directing fluid vertically down between the two absorbent members then horizontally to the outer edges of the pad. The instant invention claims the two absorbent members located concentrically with the wicking barrier directing fluid vertically down between the two absorbent members then horizontally to the outer edges of the pad. In the instant configuration fluid discharged on the surface of the pad flows vertically down along the wicking barrier between the adjacent walls of the concentrically arranged inner and outer absorbent members, then horizontally sluices through the base of the barrier to the outer perimeter of the pad thus distributing fluid concentrically outward to the outer edges of the pad along the bottom region of the absorbent members. The prior art teaches an absorbent pad comprising two absorbent members in a side by side configuration and having a wicking barrier comprised of the identical materials the instant specification discloses at [0129-35] as a suitable embodiment of the instant claimed wicking barrier. The prior art wicking barrier is disposed vertically between the two absorbent members and performs the substantially identical function of directing the fluid flow down along a central axis between adjacent walls of the two absorbent members and then horizontally along the bottom region of the members thus distributing fluid concentrically outward to the outer edges of the pad. Therefore the prior art performs the substantially identical function of distributing fluid discharged onto the surface of the pad vertically down along a central axis between the absorbent members and then horizontally outward to the outer edges of the pad along the base of the pads wherein the only difference is the configuration of the two absorbent members and it would be within the skill of an ordinary worker in the art to rearrange the absorbent members since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70. Therefore the examiner respectfully traverses Applicants' arguments and maintains the art rejections of the rejected claims.